

DEC 21 1989

LAW OFFICES OF
NICHOLSON & LISS, P.C.
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LEXINGTON, MASSACHUSETTS 02173



SDMS DocID 559336

DEAN E. NICHOLSON
STUART F. LISS
ALBERT J. SRETER

(617) 861-9630
FAX (617) 861-1134

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 013 080 101

December 19, 1989

Superfund Records Center
SITE: Coakley
BREAK: 11.9
OTHER: 559336

Timothy L. Williamson
Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency
J.F. Kennedy Federal Building
Boston, MA 02203-2211

Re: Coakley Landfill Superfund Site, North Hampton, NH
Notice of Failure to Respond to Request for Information
Our File No. 2693-02

Dear Mr. Williamson:

This office represents Arnold S. Katz Corporation, and I am writing in reply to your letter of December 4, 1989 regarding the above matter. This office does not represent The Carpet Warehouse, because The Carpet Warehouse is an independent business which is in no way related to Arnold S. Katz Corporation.

The allegation in your letter that Arnold S. Katz Corporation failed to reply to the Request For Information dated August 10, 1988 is inaccurate. In August, 1988, my partner, Dean E. Nicholson contacted attorney Jeremy Firestone of the Office of Regional Counsel and explained to him that Arnold S. Katz Corporation was an independent business that was in no way associated with The Carpet Warehouse. Mr. Nicholson further explained to Attorney Firestone that Arnold S. Katz Corporation did not make any use of the Coakley Landfill Site. Attorney Firestone requested Mr. Nicholson to confirm this information in writing, and Mr. Nicholson did so by letter dated August 23, 1988, a copy of which is attached hereto for your reference.

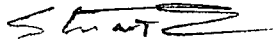
It is the position of Arnold S. Katz Corporation that it at no time utilized the Coakley Landfill Site. Furthermore, The Carpet Warehouse is an independent business which is in no way associated with Arnold S. Katz Corporation. Apparently this is a case of mistaken identity because of the fact that the principals of The Carpet Warehouse have the same surname as Mr. Katz.

Timothy L. Williamson
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The information which is requested is extremely confidential, and Arnold S. Katz Corporation does not wish to disclose such information (its financial records, for example) in a situation where an information request was directed to it that in reality is intended for a separate and independent business. If you have any basis for contending that Arnold S. Katz Corporation is a proper recipient of this information request, please provide me with that information, and I will review it with my client. As previously stated, my client has not utilized the Coakley Landfill Site and is in no way related to The Carpet Warehouse.

Please direct all further communications to me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Stuart F. Liss", with a stylized flourish at the end.

Stuart F. Liss

SFL/db
Enclosure
cc: Steven J. Calder, Remedial Project Manager

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DEAN E. NICHOLSON
STUART F. LISS
ALBERT J. SRETER

August 23, 1988

AREA CODE 617
861-9630

RUSSELL S. CHANNEN

Jeremy Firestone, Esq.
Office of Regional Counsel - Region 1
U. S. Environmental Protection Agency
J. F. Kennedy Federal Building
Boston, MA 02203-2211

Re: The Carpet Warehouse
Arnold S. Katz Corporation
P. O. Box 949, No. Chelmsford, MA 01863

Dear Sir:

I have been requested by my client, Arnold S. Katz, to respond to your letter dated August 10, 1988, with reference to the Coakley Landfill Site in North Hampton, New Hampshire.

My client's place of business is located in North Chelmsford, Massachusetts, which is approximately 50 miles from the site in question.

My client has no recollection or memory of ever having had any occasion to make use of the Coakley Landfill Site. He believes that there may be some confusion in that there is a company called The Carpet Warehouse located on Lafayette Road, Portsmouth, New Hampshire, owned by Dorothy Katz, which is located near the Coakley Landfill Site and which would be a much more likely candidate to use it.

If you have any further questions or desire additional information, please contact me on behalf of my client.

Very truly yours,

Dean E. Nicholson

DEN/1h

cc: Arnold S. Katz